



Agenda Submittal

Agenda #: 7 **Status:** Consent Calendar
Type: Ordinance **Department:** Resource Management
File #: 20-808 **Contact:** Bill Emlen 784-6062
Agenda date: 11/10/2020 **Final action:** 11/10/2020
Title: Adopt ordinance adding Article II to Chapter 2.2 of the Solano County Code regulating hemp cultivation and processing in unincorporated Solano County including provisions requiring a permit and establishing permit requirements, defined geographical areas where hemp cultivation permits may be requested, required legal findings to approve a hemp cultivation permit, security and testing requirements and enforcement procedures
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Staff Report October 27, 2020 BOS Meeting, 2. B - Links to Board of Supervisors Minutes for Hemp, 3. C - Proposed Hemp Ordinance Boundary with title October 20 2020, 4. D - September 16 2020 Minutes of Hemp Community Mtg, 5. E - Ordinance, 6. F - Public Comment - Farm Bureau Letter, 7. G - Public Comment Received, 8. H - Public Comment Received, 9. Minute Order, 10. Adopted Ordinance

Date	Ver.	Action By	Action	Result
11/10/2020	1	Board of Supervisors	Adopted	

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board of Supervisors adopt an ordinance adding Article II to Chapter 2.2 of the Solano County Code regulating hemp cultivation and processing in unincorporated Solano County including provisions requiring a permit and establishing permit requirements, defined geographical areas where hemp cultivation permits may be requested, required legal findings to approve a hemp cultivation permit, security and testing requirements and enforcement procedures.

SUMMARY/DISCUSSION:

The proposed ordinance amending Chapter 2.2 of the Solano County Code to establish hemp cultivation regulations was introduced at the regular meeting of the Board of Supervisors on October 27, 2020 and was approved by a vote of 5-0. The ordinance is now before the Board for a second reading and adoption. The proposed ordinance was developed to address issues that emerged with hemp cultivation and processing during the 2019 growing season. 2019 was the first year that industrial hemp was planted in Solano County following State and Federal actions to remove hemp from the Schedule 1 Controlled Substance list in 2018. On November 5, 2019, approximately 10 individuals residing in the vicinity of active Hemp fields generally located west of Highway 113 in the Hawkins Road vicinity provided public comments to the Board describing a variety of impacts associated with these fields. Personnel from the Sheriff's office confirmed impacts that had been identified.

In response to the identified issues, the Board adopted an Interim Urgency Ordinance for 45 days establishing a moratorium on the cultivation and processing of industrial hemp. The Board subsequently approved a 10 month 15 day extension to the Interim Urgency Ordinance on December 10, 2010. On February 25, 2020, the

Board heard an update on the County's analysis of hemp regulatory options. As part of that discussion the Board agreed to form a Task Force led by Supervisors Thomson and Vasquez to evaluate hemp regulatory options and work with staff in developing a draft ordinance for consideration by the Board. The Task Force, which consisted of representatives from several County Departments, a representative from the hemp growers group, and a representative of the citizen group who first raised this issue at the Board, met on several occasions from April through September. They considered various regulatory options and received technical information from Agriculture Department staff on the various forms of Hemp and how it is grown and harvested. Over the course of their meetings the Task Force provided guidance on various ordinance options that ultimately resulted in the subject ordinance which was introduced for first reading by the Board on October 27, 2020. Minutes from prior Board discussions on hemp are attached for reference.

If adopted, the ordinance will become effective 30 days later, on December 10, 2020. The moratorium on hemp cultivation will terminate that same day. More details on the Ordinance are contained in the attached October 27, 2020 staff report.

FINANCIAL IMPACT:

Costs to prepare this report and analysis of the Hemp issue are absorbed by the Resource Management, Agriculture Department and County Counsel budgets. Should the Board adopt the ordinance, fee schedules will be updated to include fees to recover costs associated with processing Hemp Cultivation Permits and ongoing monitoring of permit activities and enforcement actions if necessary.

ALTERNATIVES:

The Board could choose not to take action on the second reading of the Hemp Cultivation Ordinance. Such action is not recommended as the ordinance reflects the culmination of Task Force recommendations and staff research on effective ways to regulate Hemp cultivation in the County. If the Board does not take action, the Interim Urgency Ordinance extension on the cultivation of Hemp would remain in effect until November of 2021.

OTHER AGENCY INVOLVEMENT:

The County Counsel's Office and the Sheriff's Department were both consulted in preparation of this report.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION